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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,356	10/22/2003	Ralf Benninger	Z50027	6639
1218	7590	11/29/2008		
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			EXAMINER HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2622	
			MAIL DATE	DELIVERY MODE
			11/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,356

Applicant(s)

BENNINGER ET AL.

Examiner

Nelson D. Hernández Hernández

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 21-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on August 7, 2007.

Claim 18 has been amended. **Claim 19** has been cancelled. **Claims 1-17 and 21-38** have been withdrawn from consideration.

Specification

2. The Examiner noted the new title file on August 7, 2008, however, the new title of the invention is not descriptive, the claimed invention appear to be directed to the structure characteristics of the 3D camera more than its functionality or intended use (for carrying out a televisit). A new title is required that is clearly indicative of the invention to which the claims are directed.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Response to Arguments

4. Applicant's arguments, see pages 9-10, filed August 7, 2007, with respect to the rejection of claim 18 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Objections

5. Claim 18 is objected to because of the following informalities: claim 18 recites "...characterised in that the objective (210) includes more than two recording devices (212a, 212b) ...". The word "characterised" should be written as "characterized". Also the claim recites that the objective (210) includes more than two recording devices and presents items 212a and 212b, it appears that only two of the items claimed are written in the claim, when more than two are claimed. The Examiner notes that although the specifications discussed that more than two recording devices can be used, the figures do not show more than two recording devices. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurahashi et al., US Patent 5,937,212 in view of Moreton et al., US Patent 5,835,133.

Regarding claim 18, if the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. The claim preamble must be read in the context of the entire claim. Therefore, the portion "in particular for use in carrying out a televisit" as written was not considered as a limitation since is stated as an intended use in the preamble. See MPEP § 2111.02.

Kurahashi et al. discloses a camera, comprising an objective (See objective composed of lens barrels 90, 91 and 92 as shown in fig. 9) and camera chips (84, 85 and 86 as shown in fig. 9), characterized in that the objective includes more than two recording devices (lens barrels 90, 91 and 92 as shown in fig. 9) for recording partial images of an original of which the image is to be produced (the images captured with the different lens barrel would be combined to create a single image), from more than

two different recording directions (See in fig. 10 that the partial images are recorded from different directions), wherein a respective partial image is produced for each direction (the partial images are captured by each of the sensors 84, 85 and 86 as shown in fig. 9), and the objective and the recording devices are so designed that all partial images are produced on the camera chips (the partial images are produced on the camera chips 84, 85 and 86 as shown in fig. 9) (Col. 8, line 39 – col. 9, line 30).

Kurahashi et al. does not explicitly disclose that the camera is a 3D camera comprising a single camera chip and that the objective and the recording devices are so designed that all partial images are produced on the camera chip in mutually juxtaposed relationship.

However, Moreton et al. discloses a 3D-camera (See fig. 2A), comprising an objective (Fig. 2A: 90) and a camera chip (Fig. 2A: 50), characterized in that the objective (Fig. 2A: 90) includes two recording devices (90a and 90b as shown in fig. 2A) for recording partial images (110 and 210 as shown in fig. 2A) of an original (col. 5, lines 16-47) of which the image is to be produced, from two different recording directions (Note that the partial images are captured from different recording directions as shown with paths 60a and 60b in fig. 2A; col. 5, lines 16-47), wherein a respective partial image is produced for each direction (See partial images 110 and 210 as shown in fig. 2A; col. 5, line 56 – col. 6, line 26), and the objective (Fig. 2A: 90) is such that both partial images (110 and 210 as shown in fig. 2A) are produced on the camera chip (Fig. 2A: 50) in mutually juxtaposed relationship (As shown in fig. 2A, the partial images 110 and 210 are projected to portions 50a and 50b of said camera chip 50 such that said partial

images are in mutually juxtaposed relationship on said camera chip; col. 5, line 17 – col. 6, line 35). Moreton et al. further discloses that the concept of having a single image sensor to receive the partial images is advantageous because it would reduce the cost of electronics present in multiple sensor systems for capturing 3D images (Col. 2, line 48 – col. 3, line 11).

Therefore, taking the combined teaching of Kurahashi et al. in view of Moreton et al. as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the concept of having a 3D camera system that received partial images from a plurality of recording devices into a single image sensor to produce three dimensional images while reducing the cost of the system as taught in Moreton et al. to replace the plurality of camera chips of Kurahashi et al. with a single image sensor to receive the partial images to produce 3D images. The motivation to do so would have been to reduce the cost of electronics present in multiple sensor systems for capturing 3D images as suggested by Moreton et al. (Col. 2, line 48 – col. 3, line 11).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurahashi et al., US Patent 5,937,212 in view of Moreton et al., US Patent 5,835,133 as applied to claim 18 above, and further in view of Beste, US Patent 3,251,933.

Regarding claim 20, Kurahashi et al. discloses that each recording device have its own rear lens (81a, 82a and 83a as shown in Kurahashi et al., fig. 9).

The combined teaching of Kurahashi et al. in view of Moreton et al. fails to teach that each recording device has its own front lens.

However, Beste discloses a 3D-camera (See figs. 1 and 6), comprising an objective (See lens system as shown in figs. 1 and 6) and a camera (image tube 10 having a light responsive surface 11 as shown in fig. 1; see also fig. 6), characterized in that the objective (See lens system as shown in figs. 1 and 6) includes two recording devices (as shown in fig. 1, see lens system related to a right image path R composed of front lens 24 and mirror 28; and lens system related to a left image path L composed of front lens 22 and mirror 26. See also in fig. 6a similar structure having two lens system to capture portions of an object from different directions; col. 2, line 28 – col. 3, line 1) for recording partial images (col. 2, line 28 – col. 3, line 1; col. 4, lines 4-21) of an original (object shown in figs. 1 and 6) of which the image is to be produced, from two different recording directions (Note that the two portions of the image is taken using the two different lens systems which capture the image from two different directions; col. 2, line 28 – col. 3, line 1; col. 4, lines 4-21), wherein a respective partial image is produced for each direction, and the objective (See lens system as shown in figs. 1 and 6) is such that both partial images are produced on the camera (image tube 10 having a light responsive surface 11 as shown in fig. 1; see also fig. 6) in mutually juxtaposed relationship (as shown in fig. 6, the two image signal paths are directed to a first and a second portion on the image tube in mutually juxtaposed relationship such that the camera can receive the two image portions simultaneously; col. 4, lines 4-21).

Therefore, taking the combined teaching of Kurahashi et al. in view of Moreton et al. and further in view of Beste as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the concept of having independent front lenses for each of the recording device as taught in Beste to modify the teaching of Kurahashi et al. and Moreton et al. by using an independent front lens for each of the recording devices. The motivation to do so would have been to allow proper focusing of the portion or area of interest to the internal component on each of the recording devices.

Conclusion

9. Because new grounds of rejection have been made to reject substantially unamended claims, this Office Action is made NON-FINAL.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández Hernández
Examiner
Art Unit 2622

NDHH
November 15, 2008

/NHAN T. TRAN/
Primary Examiner, Art Unit 2622